

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-350

Complainant: No. 1458210307A

Judge: No. 1458210307B

ORDER

The complainants alleged that during a dependency hearing, a superior court judge was demeaning, rude, biased, and denied them their due process rights.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing all of the information provided by the complainant and the judge's response, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: February 19, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on February 19, 2013.

This order may not be used as a basis for disqualification of a judge.

TO: Arizona Commission on Judicial Conduct of the Arizona Supreme Court
Subject: Judge III/Complaint Regarding Courtroom Abuses
Date: December 12, 2012
Case No: JD

COMPLAINT

We are Phoenix residents and we are the defendants in an open dependency lawsuit that began in August 2011 and has continued under two judges to the present, even though we were exonerated by CPS. We truly believe our case is precedent-setting, and we think the Arizona Supreme Court should become aware of what is really happening in Courtroom 11 at Maricopa Superior Court Youth Justice Center/Durango. We realize it is a very serious action to make allegations against a sitting judge. However, we allege that between September 2011 and July 2012 **Judge** violated rules of the Code of Judicial Conduct on numerous occasions and knowingly presided over court officials engaged in egregious/unlawful acts, including documentable perjury, all intended to accommodate his rulings.

Rule 1: to act at all times in a manner that promotes public confidence in the independence, impartiality and integrity of the judiciary;

Rule 2.2: to perform all judicial duties fairly and impartially

Rule 2.3 prohibits bias and prejudice

And perhaps most egregiously:

Rule 2.6 ensures that all parties and litigants have a right to be heard by the law

Rule 2.9 prohibiting participation in improper ex parte communications

(b) The judge makes provision to promptly notify all other parties of the substance of the ex parte communication, and gives the parties an opportunity to respond.

Judge twice denied us our Constitutional rights to due process, plus rushed without cause to deny our 14th Amendment rights to parent our own son. It is a basic tenet of the American Justice System that every accused party deserves a voice and the right to present a defense. After we were exonerated by CPS, with all claims “unsubstantiated,” Judge trumped up vague neglect charges against us that were not in the petition and then found us guilty without allowing us to present our defense or call witnesses. Judge a former public defender, consistently demonstrated extreme partiality toward the petitioner, whom the judge knew was criminally indicted and in the midst of prosecution. He treated us as parents without full rights because we are adoptive. For the next 11 months, extensive decisions affecting the welfare of our special-needs son were made based on documentable perjury, with disastrous consequences for our son. On July 17, 2012, Judge locked us out of the courtroom without cause before recusing himself. He changed the jurisdiction of the case as the result of a highly questionable ex parte discussion which was never revealed to us. Under Judge jurisdiction, many other improprieties occurred, including the illegal use of the Bible by court-designated officials in an effort to force us to give up our son to a felon.

BRIEF SUMMARY OF CASE

We are upstanding members of the community who have always passed the highest levels of security required by our careers, including Secret Service clearances for when she worked on behalf of a U.S. President. We are victims of a malicious and fraudulent dependency lawsuit filed against us by a man who was simultaneously under criminal indictment in Maricopa Superior Court for Felony Class 3 Theft of \$15,000 (

). The petitioners filed this dependency out of revenge after we confronted them with court papers and police reports documenting their criminal/felony activity. Because our case involves a federally-designated special needs youth, the petitioner's pending prosecution should have raised a red flag with Judge [redacted] who was aware of the petitioner's indictment from the CPS investigative report. However, the judge unexplainably showed **extreme partiality** to the petitioner/felon and **aggressively solicited CPS to ignore its report exonerating us**. The petitioner and his wife had sinister motives for wanting our child—revenge, money, and concealment of their household criminal activity. Their petition falsely claimed we were “unable or unwilling” to parent our special needs child, who is an emotionally-challenged older adoptee from Russia. There were never any charges against us of abuse, neglect, domestic violence, or drugs in the petition or by our son, police or CPS; and our son was never removed from our home by CPS. **The judge promised each side would have one hour to present on September 20, 2011. After the petitioners presented, Judge [redacted] said he was ready to rule and refused to allow us to present our case. Judge [redacted] trumped up vague and non-specific charges and rushed to rule we were negligent, in effect giving us criminal records and terminating our parenthood without allowing us to present a defense or call our witnesses. But there is much more that happened in his courtroom and behind the scenes during the next 11 months.**

While he was aggressively pursuing permanency with the petitioners, Judge [redacted] was concealing from dependency court records that the petitioners' household was in chaos and our son was running away, flunking out of school, and getting into serious police trouble. Meanwhile, we the true parents were subjected to every kind of degradation and deceitful pressure to relinquish our son by the judge, CPS, the AAG, and the Arizona Children's Association, including **intimidation, Bible thumping, threats of arrest, mocking, sabotaged visitation that was anything but therapeutic, misrepresentation of documents they wanted us to sign, and extreme pressure tactics disguised as “parenting classes.”**

Eleven months into our case, in June 2012, **the petitioners who were so aggressively championed by Judge [redacted] decided they no longer wanted our son. He became a throwaway kid to them after they exacted their revenge on us.** Today he resides at [redacted] until his 18th birthday for at least nine police/runaway incidents at the petitioners' custodial home, where he not only failed to thrive but seriously declined even as we protested and were silenced by Judge [redacted]. **Judge [redacted] case management plan failed miserably** because it encouraged our son to reject us, the adoptive parents who loved him and whom he loved. Now the court does not know what to do with him. All this was preventable. We question why a Youth Justice Center judge would rush to remove a special-needs child from the loving family life he knew for five years, after he was already traumatically removed from his Russian birth home and suffers from attachment disorder. **Our son is traumatized** and will need services into adulthood, but the state is washing its hands of him on his January 28, 2013 birthday.

Many more unethical/illegal acts occurred under Judge [redacted] and they are described throughout this document. We ask the members of the Arizona Commission on Judicial Conduct to review the facts and relevant audio recordings and conclude that **Judge [redacted] acted egregiously by disregarding Constitutionally-guaranteed family rights and the welfare of the child; and that this is actually a child kidnapping by the petitioners that we brought to the attention of the City of Gilbert Public Safety and [redacted] High School officials** before the dependency petition was filed.

BACKGROUND INFORMATION—

MENTAL HEALTH

This preliminary background information is relevant to understand the mental health of our son and why we state this is **a child kidnapping condoned by Judge [redacted] who refused to allow us to present any of these facts in court.** We adopted Alexander [redacted] at age 10 ½ from Russia in cooperation with the US Embassy after passing FBI clearances, psychological testing and extensive training. [redacted] was removed from a Russian birth family operating in violence, drug activity and crime and then he lived in two orphanages. He is intellectually bright but is federally designated a special education student for emotional disability. He has had three psychiatric hospitalizations with diagnoses of radical attachment disorder (bonding challenges and bonding inappropriately), bipolar, oppositional defiant, psychotic and some fetal alcohol effects. He can be very engaging and seem normal, but five minutes later he experiences emotional breakdowns with rage and violence. He would throw furniture, kick in our walls, punch our dogs, and scream for hours. [redacted] was frequently therapeutically restrained by us, hospital personnel, police or school officials to prevent him from harming himself or others, including us. **We would call either paramedics or the police for help, and we the parents are identified as the victims in these police incidents, receiving victim packets.** [redacted] was eventually placed on probation. Far from being unwilling and unable to parent our child, we spent thousands of dollars for extensive counseling/psychiatric treatment/medication; special education services; soccer and football; mentors; tae kwon do instruction with US National Champion Angel Aranzamendi in Denver; therapeutic youth camps; Russian Heritage Camp; and many family vacations.

[redacted] and her husband [redacted] offered to help us because they have a special needs son. We regularly joined the [redacted] and their children for Thanksgiving, Christmas, and birthdays. We acted within our legal rights and issued a simple six-month Power of Attorney to send our then 15-year-old [redacted] to stay temporarily at the [redacted] home, some 40 miles from us, for education purposes in December 2010. We wanted to see if [redacted] a freshman, would thrive at [redacted] High School's special education program. At the time, our son was upset with us over discipline issues such as grounding him and taking his Play Station away. We thought it might help if he spent time with the [redacted] three sons. We bought him new clothes, sent him gifts of cash on multiple occasions, and paid at least \$3,000 over six months in voluntary support, plus another \$350 monthly for health insurance. We also purchased books and school supplies for [redacted] and delivered them directly to the school. We visited our son and his teachers.

The arrangement was intended as temporary, ^{but} soon deteriorated. The [redacted] became secretive; made our son unavailable to us; denied anything was wrong; and deleted us from email. They did not give [redacted] mail from us. We decided to allow [redacted] to finish the school year and remove him. In May 2011 we took our son to lunch and then told the [redacted] we would not renew the Power of Attorney. They became heated. We became suspicious and conducted an investigation of the [redacted] through public records. Imagine our shock to learn that [redacted] was criminally indicted by a grand jury 30 days after [redacted] went to stay in his home and was facing up to 7 years in prison for felony theft of his real estate clients. His prosecutor told us it was not an isolated incident. We learned [redacted] were actually on the run from the law and [redacted] was arrested in February 2011 after dropping our son off at school. They were scrambling to make bail. Ultimately, we uncovered records of seven arrests among the [redacted] and their sons. We learned they filed court papers stating they are indigent and were collecting welfare for years—and trying to document [redacted]—while living in a mansion with a baby grand and sports cars, gallery art, lavish furnishings, diamond jewelry and furs. They were facing eviction. It became clear the [redacted] are sophisticated con artists operating in welfare, ACCESS and real estate fraud.

We carefully collected all our evidence, notified AZDES, and notified the _____ verbally and in writing they had **kidnapped our son under false pretenses**. We demanded the safe return of _____ They repeatedly refused. Our son began to send us obscene texts. We learned the _____ had used taxpayer Magellan funds through the _____ School District to have **our own son counseled against us with the goal of parental alienation**. Meanwhile, _____ was driving their Porsche without a license or insurance, enjoying life in a mansion, and did not want to come home. Remember, he is emotionally-challenged.

We took back full control of our son's education. _____ officials confirmed our suspicions that our son had police intervention. _____ was aware we were aggressively trying to remove our son from the _____ and supported us through written documentation of his decline at the _____. We requested City of Gilbert police records and were horrified to learn the family also had records of 7 arrests, including domestic violence, plus an open felony for drugs by one of their sons. We solicited Gilbert police assistance to conduct a **welfare check** of the _____ home and our son in July 2011. During this time, the _____ would continually taunt us and tell us to come get our son, and then tell us he was unavailable and not to come. _____ threatened the _____ principal with a lawsuit if they spoke to us. We had no access to _____. We were trying to be cautious and avoid a potentially violent police removal at the school because the _____ were heated, our son is emotionally-challenged, and we did not want to humiliate him in front of his friends. Because _____ are family, we sought a peaceable solution.

JUDGE EGREGIOUS RULINGS

However, the welfare check triggered the _____ to file the dependency lawsuit against us in late August 2011. During the CPS investigation triggered by the lawsuit, the _____ told CPS they should have our son because they were more experienced parents. **CPS exonerated us and issued an opinion that our son had mental health issues stemming from his first 10 years in Russia and he should come home to us. CPS asked Judge to be excused from the case but he refused. We were never served by the _____ and we were rushed into the first court consultation on a 90 minute notice without having received the petition. No affidavit of service by the petitioner has been or ever will be produced because none exists. When we protested this lack of due process, Judge _____ derided us rather than asking for the affidavit.** Throughout 11 months of hearings, Judge _____ demeanor was completely lacking in the respect that we as parents and defendants deserve.

From the start, Judge _____ refused to accept the CPS investigative findings and its report exonerating us and verbal statements to that effect. Judge _____ then trumped up charges against us that were never made in the petition and found us guilty of neglect during a preliminary hearing, without a trial. Judge _____ denied us as defendants our Constitutional due process right to present a defense. On September 14, 2011 he promised us one hour to exercise that right during a hearing to be held on September 20, 2011. We did not even receive 30 seconds to present our case before he ruled against us. He also refused to allow us to call our three witnesses. He can be heard on audio saying our witnesses, who never spoke, are not credible, although they include our international adoption agency director. **How can this be the American Justice System?** Audio recordings and the judge's own minutes support our claim this happened on September 20, 2011.

Judge _____ then acted egregiously by enlisting CPS and the AAG to turn against us and reject its own written report. CPS sent _____ an email stating she and her husband are safe people and their son would come home to them; after Judge _____ ruling, CPS began to treat us as dangerous parents who needed to be kept from our son at all costs. Judge _____ repeatedly issued minutes stating we were not safe people, despite the absence of a single incident of any type of harm caused by us to our son. Our parental rights

were never terminated, but CPS ordered school officials and other authorities not to talk to us, which continues to this day. Since at least April 2012, CPS refuses our attorney's written request to provide reports which we have a legal right to receive. The result has been **extensive documentable courtroom perjury** by CPS and the AAG regarding our son's well-being under custody of the petitioners. **Examples: CPS repeatedly denied that**

has a criminal record, even though he has been assigned an FBI number and his court docket and conviction can be viewed on the Internet. During monthly dependency hearings, CPS and the AAG told Judge whatever he wanted to hear: that our son was "doing beautifully" with the petitioners (January through April 2012) when in fact our son had run away from the multiple times, was arrested multiple times including at school, flunked all his academic subjects, experienced 25 days of school suspensions and was finally expelled from High School.

This CPS/AAG perjury went on for 11 months under Judge jurisdiction until his entire case against us collapsed when our son was arrested again in July 2012. Judge **consistently refused to allow our attorney to introduce third party evidence from the school and law enforcement that our son was in severe decline at the home of the custodial parents. (Particularly January through April 2012).** Instead, he aggressively moved forward to **sever our parental rights through a permanency plan that excluded us.** Judge disastrous case management plan favored a felon as the custodial parent; supported a guardian ad litem's opinion that a special-needs sophomore should be allowed to drop out of high school; and decided our son, who was on probation, should receive independent living skills instead of accountability to authority.

CPS forced us to receive parenting visits from the Arizona Children's Association (ACA) as a condition of visitation but then refused our court-ordered visits for more than two months. There was no curriculum but there was a hidden agenda. Two **ACA reps illegally used religion against the by citing the story of King Solomon and the contested baby, telling Mrs. that if she were like "the good mother" in the Bible she would give up her son to the** When she refused, these ACA reps wrote the judge a very damning report that portrayed the as unteachable. ACA Regional Director **later phoned the Mrs. and told her they should have never have been subjected to any ACA visits or parenting classes because "they are intended for a different level of parenting."**

was on medical leave after surgery; we could not afford a private attorney. We were issued two overworked public defenders that did not even bother to file a response to the petition. defender never once returned a phone call or email during four months. During mediation, our public defenders were so discouraged by Judge premature ruling that they told us in front of the petitioners, CPS and the AAG that there was no point in requesting a trial because we had already been found guilty! Our public defenders then told us to sign a **paper the AAG showed us that stated the plan was "family reunification" but it was actually a dependency.** AAG said if we signed it, we would not be considered neglectful because the document said our son's behavior was the issue. If we didn't sign it, we would likely be forced into a guardianship which we opposed or face termination. had confronted us outside the courtroom early in our case and vigorously demanded that we give up our child. We were pressured that if wanted to see our son again, we had to sign. At this point, we had not had access to our son for five months, nor received our court-ordered visitation, and we were desperate so we signed. But everything the AAG told us was a deception—there was never any intention of family restoration or visitation. We ultimately canceled all our health insurance to afford a private attorney who filed a motion to address the petition, but Judge ruled against it. The damage was done. Judge **continued to issue minutes throughout 2012 stating our son was in danger of abuse and neglect from us and implying or**

stating our son was removed from our home by CPS when no such incident ever occurred. We adamantly state that our son was never removed from our home under any circumstances by CPS.

We learned from school officials and law enforcement (not CPS or Judge) that was having police episodes at the . At some point unknown to us, Judge took over juvenile delinquency hearings as well. We realized Judge **was not notifying us of these hearings**, preventing us from hearing the extent of our son's problems at the . Under the custodial care, had at least nine police episodes. Judge **and CPS went to great lengths to conceal decline from the dependency court record and the parents.** In early July 2012, during arraignment before Commissioner Barbara Hamner, we learned the shocking truth that Judge kept hidden from us: **our son had become a regular user of heroin and ecstasy at the ran away from them multiple times; was running wild and confronted by police in the middle of the night on multiple occasions; was out of control; and had been arrested for theft of two convenience stores.**

was indeed convicted of felony theft and sentenced to 30 days in jail during the dependency hearings. Judge was aware and said so what, could watch our son. Meanwhile, was filing court papers with the judge in his felony prosecution that he could not be sent to jail because was severely permanently ill with MS and other diseases and he had to watch the children. He served 3 hours of his 3 month sentence before being mysteriously released on parole by the courts. He was also sentenced to 3 years of supervised probation. The Arizona Department of Real Estate Commissioner revoked real estate license in February 2012 for **dishonest character and unethical behavior.** In addition, we uncovered a Gilbert police report from September 2011 in which employers stated he stole \$7,000 the same week he hired a private attorney to file the dependency lawsuit against us, and they were aware of other thefts of real estate clients. That case was sent to the county attorney.

In June 2012, the who encouraged our son to adopt their last name, decided they no longer wanted custody of still does not realize this because CPS continues to allow access to

However, **the placement was officially "disrupted" and the don't want to know their new address.** With his case collapsing, Judge decided to bow out. **Knowing he was about to recuse himself on July 17, 2012, Judge changed the time of that hearing without notifying us or our attorney to ensure we would not be present. During that hearing he revealed his participation in an ex parte conversation with a probation officer that triggered his recusal.** When we arrived early for the scheduled hearing, we were informed by the court receptionist that the case had already been heard. The receptionist stated that that "lots of people checked in for this," although **the original time on the official court docket was never changed.** When Mrs. the judge's clerk, she declined to speak with her or tell her what time the hearing had occurred.

The permanency plan was to be finalized in October 2012 but was never achieved. Under Judge rulings, the custodial care he favored, and CPS "ward of the state" supervision, our son has physically and emotionally **deteriorated** to the point where **he now sits in Adobe Mountain Juvenile Detention Center.** He is being **incarcerated for seven months straight** for actions he committed while under the so-called care of the petitioners/custodial family so aggressively favored by Judge over us. We have been told felony theft charges may be pending against our son when he reaches age 18. We were also alerted by school officials and then by public safety that under the supervision, **have become persons of interest in a high profile criminal investigation.**

No doubt Judge Steinle will claim that our son would not come home to us. Consider that our son was 16 years old and allowed to drive the petitioners' Porsche. He liked this. Basha school officials told us that unbeknownst to us, the Dykes "squeezed us out," and took our son into counseling against us. We always demand accountability from Joshua. Police records show the Dykes were letting him run wild all night. He was living in a mansion. The petitioners misappropriated our payments for Joshua's needs, which totaled thousands of dollars, and instead bought him things such as an IPOD Touch to buy his affection.

We are attaching photos of happy family times with Joshua, before Judge Steinle so heartlessly, and we believe illegally, issued rulings that destroyed our family and our son's well-being.

ADDITIONAL EXAMPLES OF INAPPROPRIATE/UNETHICAL BEHAVIOR UNDER JUDGE STEINLE

1. We cannot over emphasize how damaging it is to Judge Steinle give us have criminal records in the category of child neglect/abuse when no such charges were made against us by our son, the petitioners or CPS. **We want our good names restored in all court minutes and reports!**
2. **Our court ordered visitation was deliberately sabotaged. Joshua tearfully and angrily told us that immediately prior to the first court-ordered visitation, the ACA representatives—and he pointed at them—showed him our confidential paperwork describing his diagnoses. Then he stated they told him "Your parents think you are crazy."** We never made such a horrific comment. ACA reps admit this occurred and blame CPS. We were denied these therapeutic court-ordered visits for 2 ½ months. There were no visits prior to mediation Finally, three visits were shoveled together over a seven day period during the week prior to the December 2011 hearing "so someone would be in compliance." There was nothing therapeutic about seeing our son at Taco Bell while the petitioners were allowed to stay on the premises in plain sight.
3. Judge Steinle **overstepped his jurisdiction** by aggressively moving to undo an adoption that was fully sanctioned under international laws governed by the Hague Convention. After being forced to surrender the birth certificate, passport, and adoption papers as demanded by Judge Steinle and the Dyke's attorney, **Mrs. Bird was mocked and threatened with arrest** for not producing an INS document which CPS could easily obtain on its own. The judge then **bypassed international law and frivolously unsealed our son's entire international adoption file and its sensitive information about the birth family**, making it available to Joshua, but **refused to give us our copy** as promised in court. Our international adoption agency is furious.
4. **Judge Steinle refused to honor the signed contract which stated the goal of family reunification and instead rushed to achieve permanency. He consistently acted as though our parents' rights were already terminated, but they never were. We are still dealing with weekly with CPS refusal to provide information about our son's current well-being.**
5. Judge Steinle disregarded **findings of the Arizona Supreme Court Citizens Foster Care Review Board** in January 2012 which stated our son should be returned to us, there was no danger in our home, and the Review Board had concerns about the Dyke household.
6. Judge Steinle exhibited extreme prejudice, treating us as less than legitimate parents and without full rights because we are **adoptive** rather than birth parents, which was over-emphasized in the petition. We maintain adoptive parents have the identical rights of birth parents.

 - 12-17-12
Linda Bird - Dec 17, 2012